

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH  
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SEVENTH DAY OF JULY  
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE GODA RAGHURAM**

**WRIT PETITION NO : 14210 of 2003**

Between:

1. T.Mastan Reddy S/o. Ramana Reddy  
Vaddigunta kandriga Primary Agricultural Cooperative Society,  
Menakur Post, Naidupet Mandal, Nellore Dist.
- 2 P.Mohan s/o. P.V.Ratanam  
Akkagaripeta Primay Agricultural Cooperative Society,  
Akkagaripeta V&P Pellakur Mandal,Nellore Dist.
- 3 K.Sudhakar Raju S/o. Subba Raju  
Naidupet Primary Agricultural Cooperative Credit Society  
Naidupet Mandal, Nellore Dist.
- 4 E.Prabhakar Rao s/o. Venkateswarlu  
Rosanuru Rajupalem Primary Agricultural Cooperative Society, Rasanuru  
Rajupalem  
Pellakur Mandal Nellore Dist.
- 5 P.Vijaya Kumar s/o. P.V.Ratnam  
Changanam Rajupalem Primary Agricultural Cooperative Society,  
Chaganam Village,Saidapuram Mandal Nellore Dist.
- 6 G.Chandrasekhar Reddy s/o. Veera Raghava Reddy  
Nemallapudi Primary Agricultural Cooperative Society  
Nemallapudi Village, Punnepalli Post(via)Menakur,Nellore Dist
- 7 C.Ravindra Babu s/o. Chinnaiah  
Nelaballi Primary Agricultural Cooperative Society,  
Nelaballi V&P,Doravari Satram Mandal Nellore Dist.
- 8 Md.Khader Basah s/o. Ammer SAheb  
Nelaballi Primary Agricultural Cooperative Society,Nelaballi village  
Doravari Satram Mandal, Nellore Dist.
- 9 D.Venkata Naga Prasad s/o.Krishna Murthy  
Nemallapudi Primary Agricultural Cooperative Society,  
Nemallapudi village, Punnepalli Post(Via)Menakur,Nellore Dist
- 10 D.V.L.Narasimha Rao s/o. Narasaimham  
;Chembedu Primary Agricultural Cooperative Socceity,Chembedu V&P  
Pellakkur Mandal Nellore Dist.
- 11 O.Gunnaiah s/o. Tirupalaiah

Rosanur RAjumpalem Primary Agricultural Cooperative society, Rosanur  
Village,  
Pellakur Mandal, Nellore Dist.

**..... PETITIONERS**

AND

- 1 The Government of A.P.Cooperation Department rep.by its Secretary,  
Secretariat, Hyderabad
- 2 The Commissioner for Cooperation and Reg of Coop.Societies,Nampalli,  
Hyderabad
- 3 The Nellore District coop.Central Bank Ltd., rep.by its General Manager,  
Nellore Nellore District
- 4 The District Coop.officer, Nellore Nellore Dist.
- 5 The Divisional Coop.officer, Gudur, Nellore District.
- 6 The Divisional Cooop.officer Nellore, Nellore District.
- 7 Vaddigunta Kandriga Primary Agricultural Cooperative Society, Menakur Post  
Naidupet Mandal, Nellore Dist.
- 8 Akkagaripeta Primary Agricultural coop. Society, Akkagaripeta V&P,  
Pellakkur Mandal Nellore District.
- 9 Naidupet Primary Agricultural Cooperative Credit Society  
Naidupet Mandal Nellore Dist.
- 10 Rosanuru Rajupalem Primary Agricultural Cooperative society, Rasanuru  
Rajupalem  
Pellakur Mandal Nellore Dist.
- 11 ChaganamRajupalem Primary Agricultural Cooperative Society, Changanam  
village  
Saidapuram Mandal, Nellore Dist.
- 12 Nemallapudi Primary Agricultural Coop. Society, Nemallapudi village,  
Punnepalli Post(Via)Menakur, Ozili Mandal  
Nellore Dist.
- 13 Nelaballi Primary Agricultural Cooperative Society,Nellaballi V&P  
Doravari Satram Mandal Nellore Dist.
- 14 chembedu Primary Agricultural Coop. Socty,rep.by its Person-in-charge  
Chembeadu V&P Pellakur Mandal  
Nellore Dist.
- 15 Rosanur Rajupalem Primary Agricultural Cooperative Society,  
Rosanur village, Pellakur Mandal,  
Nellore District.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not paying the salaries to the petitioners is illegal, arbitrary and violative of Article 14 and 21 of the Constitution of India and consequently direct the respondents to pay salaries to the petitioners without reference to Section 116-C of the Act.

**Counsel for the Petitioner:MR.A.SATYA PRASAD**

**Counsel for the Respondent Nos: 1,2,4,5 &6: G.P. for co-operation**

**Counsel for the Respondent No.3: Mr. K. Muralidhar Reddy.**

**Counsel for the Respondent Nos.7 to 15: --None appeared--**

**The Court made the following :**

**ORAL ORDER:**

The petitioners claim to be working as Secretaries, Additional Secretaries and Clerk in various Primary Agricultural Co-operative Societies (for short PACS) arrayed as respondent Nos. 7 to 15 herein. Pursuant to the abolition of common cadre and decaderisation of the Paid Secretaries Cadre, apropos Section 116-AA of the A.P. Co-operative Societies Act, 1964 (for short 'the Act'), such of those petitioners, who were Paid Secretaries recruited under the half-a-million jobs scheme, had been allotted to various PACS. They complain that in view of the provisions of Section 116-C of the Act, no salaries are being paid to them since April, 2003. The petitioners admit that none of the respondents-PACS in which they are working, are able to meet the statutory requirement of "2% of the working capital or 30% of the gross capital in an year, whichever is less" stipulated for entitlement to pay salaries to employees. It is not established before this court that the State Government or the Registrar of the Co-operative Societies or any of the respondent Nos. 1 to 6 are obligated either to pay or to ensure payment of salaries to the petitioners. The liability to pay salaries to the petitioners is exclusively that of the respondents No. 7 to 15-PACS. It is not also established that the respondents No. 7 to 15-PACS are

State within the meaning of Article 12 of the Constitution of India.

In the circumstances, there being no legal substratum to the reliefs claimed in the writ petition, the writ petition itself is not maintainable against the respondent Nos. 7 to 15—PACS and no relief could be granted. The writ petition is misconceived and is accordingly dismissed. The writ petitioners are, however, entitled to pursue available alternative remedies in accordance with law. No costs.

---

GODA RAGHURAM, J

Dt. 27-07-2004

Pvks/\*

To

- 1 The Secretary The Government of A.P.Cooperation Department,  
Secretariat, Hyderabad
- 2 The Commissioner for Cooperation and Reg of Coop.Societies,Nampalli,  
Hyderabad
- 3 The General Manager, The Nellore District coop.Central Bank Ltd., Nellore  
Nellore District
- 4 The District Coop.officer, Nellore Nellore Dist.
- 5 The Divisional Coop.officer, Gudur, Nellore District.
- 6 The Divisional Coop.officer Nellore, Nellore District.
- 7 Vaddigunta Kandriga Primary Agricultural Cooperative Society, Menakur Post  
Naidupet Mandal, Nellore Dist.
- 8 Akkagaripeta Primary Agricultural coop. Society, Akkagaripeta V&P,  
Pellakkur Mandal Nellore District.
- 9 Naidupet Primary Agricultural Cooperative Credit Society  
Naidupet Mandal Nellore Dist.
- 10 Rosanuru Rajupalem Primary Agricultural Cooperative society, Rasanuru  
Rajupalem  
Pellakur Mandal Nellore Dist.
- 11 ChaganamRajupalem Primary Agricultural Cooperative Society, Changanam  
village  
Saidapuram Mandal, Nellore Dist.
- 12 Nemallapudi Primary Agricultural Coop. Society, Nemallapudi village,  
Punnepalli Post(Via)Menakur, Ozili Mandal  
Nellore Dist.
- 13 Nelaballi Primary Agricultural Cooperative Society,Nellaballi V&P  
Doravari Satram Mandal Nellore Dist.
- 14 Chembedu Primary Agricultural Coop. Socty,rep.by its Person-in-charge  
Chembeadu V&P Pellakur Mandal

Nellore Dist.

15 Rosanur Rajupalem Primary Agricultural Cooperative Society,  
Rosanur village, Pellakur Mandal,  
Nellore District.

16.2CCs to learned Government Pleader for Co-operation, High Court Buildings,  
Hyderabad(OUT).

17.2CD copies





























